

Exploring Intersectionality: The Case of Joan Little

As a Black woman accused of the murder of a white jailer, Joan Little seemed to face certain death at the hands of the gas chamber. She was serving a seven-to-ten year sentence in the county jail of Washington, North Carolina, on charges of breaking and entering when, on one morning in August 1974, a 200-pound jailer by the name Clarence Alligood was found in her cell, dead of several stab wounds (Fergus 132). But to complicate matters for the jury, there was also evidence of recent sexual activity and Alligood's pants—along with Little's undergarments—had been found thrown over the door of the cell. What should have been a simple case of first-degree murder quickly transformed into a bitter legal battle over a Black woman's right to defend herself against rape, gaining momentum nationwide as Little's trial became a cause célèbre for the many varied social and political movements of the 1970s.

Miraculously, she was acquitted. Standing before several decades worth of activists and activism, Joan Little seems an unlikely hero. Her murder trial catalyzed nationwide discussion regarding the prevalence of and stigma surrounding sexual assault, with Little serving as a symbol for the fledgling anti-rape movement, in addition to exposing severe and ongoing abuses in the criminal justice system, and challenging notions of respectability within both the Black community and the rest of American society. But, beyond its status as a success story, as a leap forward in the bridging of racial, gender, and socioeconomic disparities, the trial of Joan Little leaves behind a troubling legacy; her meteoric rise to and fall from the consciousness of the general populace highlights the entrenched nature of systemic discrimination, an issue which continues to divide our nation even today.



Figure 1: Anti-rape protest outside the Joan Little trial

At the Dark End of the Street, Danielle L. McGuire, atthedarkendofthestreet.com/the-book/photo-gallery

Rape: An Instrument of Terror and Symbol of Sisterhood

When Clarence Alligood unzipped his pants on that fateful night in August, he was sustaining a four-hundred year legacy of non-consensual sexual encounters between white men and Black women in America. Harkening back to the arrival of the first colonists—with slaves in tow—rape was used by white slave-masters as a weapon of control over their Black slaves, who could not legally object to their sexual advances. As Angela Davis, political activist and renowned scholar in the field of Afro-American studies, writes, “...the slave master made use of his tyrannical possession of slave women as chattel in order to violate their bodies with impunity. ...rape itself was an essential weapon utilized by the white master to reinforce the authority of his

ownership of [B]lack women” (39). This dehumanization and objectification of Black women persisted after the abolition of slavery as well, with rape then being used as an instrument of terror to assert the continued dominance of the white male hegemony.

In 1915, a Black woman named Cordella Stevenson was dragged from her Columbus, Mississippi home by a white mob, brutally raped, and then lynched. Her only crime, according to her murderers, was that her son had burned down the barn of a white man (Davis 37). In 1944, Recy Taylor, a Black sharecropper from Abbeville, Alabama, was gang-raped by a group of white men (McGuire 194). In 1947, Rosa Lee Ingram, yet another Black woman who had attempted to defend herself against the sexual advances of a white man, was sentenced to death by a Georgian court on purely circumstantial evidence (Martin 252). And in 1959, a Black college student named Betty Jean Owens was kidnapped and raped by four white men at Florida A&M University (McGuire 195). From this perspective, Joan Little was just another voice in the chorus of women who had suffered at the hands of their rapists and consequently, at the hands of a white and male-dominated criminal justice system.

When the sleepy Southern town of Washington, North Carolina, where Joan Little had grown up and where she was ultimately incarcerated, began to hear of the case, controversy erupted. Locals accused Little of being a prostitute, with one remarking, ““Hell, to them [Black people], fucking is like saying good morning or having a Pepsi-Cola”” (Reston 6). Reinforcing the Jezebel stereotype of Black women as sexually promiscuous and thus, completely exonerating white men for all cases of sexual assault involving said women, the lawyers for the prosecution tried to argue that Little was a “calculating criminal, who, bent on escape, lured the jailer into her cell with the promise of sexual favors” (McGuire 209). During the course of the

cross-examination, chief prosecutor William Griffin even went so far as to ask Little if she had a sexually-transmitted disease and if she had previously participated in a prostitution ring operating at the local Marine base, all in an attempt to convince the jury that it was in fact Little herself who had seduced Alligood (209).

One of Little's attorneys, Jerry Paul, would later explain that he had anticipated such attacks upon Little's character. Paul cited conversations he had overheard amongst the working-class men of the town wherein they "bragg[ed] about how they got some pussy the night before the night before, and always the question would come up, 'Was it white or [B]lack?' 'Oh it was [B]lack ,' someone would say. 'Picked up this nigger walking on the road...'" (Reston 73). In one sense, Paul's comment reveals the extent to which sex, consensual and non-consensual, with Black women was treated by the white men of Washington as simply another way of asserting their physical dominance. On the other hand, Paul also argues that the success of the Joan Little case hinged not only upon condemning the sexual objectification of Black women, but also, of women of all races, noting that, "They're [white and Black women] both sexual objects, but in different ways. The [B]lack woman is not regarded as human—she's somewhere between the animal and the human" (74).

Indeed, the element of rape in the Joan Little case proved crucial in garnering sympathy and support from feminist and anti-rape activists, without the support of whom her case may have never gained such nationwide fame. For organizations like the Feminist Alliance Against Rape and the National Black Feminist Organization, Joan Little became a symbol of the right to resist oppression, a woman whose voice and story had the potential to catalyze a movement against decades of institutionalized sexism. However, Little's success also worked in more subtle

ways. As civil rights activist Celine Chenier later noted, “I knew of many [inmates] who had been raped and never came forward because—who would believe it? They were [B]lack, they were inmates, and they were women. . . . They held back before, but Joan’s courage has inspired people to come forward now” (92). By simply standing in front of a jury and testifying about the circumstances of her rape, Little provided the impetus for thousands of other women who had previously been shamed into silence by the stigma surrounding sexual assault to speak out openly and to share their stories of survivorship.

Furthermore, Little’s victory in the courtroom also brought women of all races together through a shared sense of sisterhood, united by the “commonalities of all women in that their bodies have the potential to be both sites of conquest and effective instruments of resistance to violation” (McNeil 270). Chenier remarks that she saw Joan Little “as herself,” a symbolic identity shared by the many women who supported her cause (Reston 94). The impact of the Joan Little trial upon bolstering the confidence and sense of unity amongst these women’s rights activists can perhaps be best conveyed by musician Bernice Johnson Reagon’s 1975 work entitled “Joanne Little,” which includes the lyrics:

What did she do to deserve this name? Killed a man who thought she was fair game.

When I heard the news, I screamed inside. Lost my cool. My anger I could not hide.

Joanne is you. Joanne is me. Our prison is this whole society. (McNeil 271)

Reagon’s song, which would come to be an anthem of sorts for the “Free Joan Little” movement, epitomized the renewed strength of the anti-rape and feminist movements, as women across the country identified themselves with Little, prisoners breaking free of the chains of institutionalized sexism.



Figure 2: Demonstrators outside the Wake County courthouse

At the Dark End of the Street, Danielle L. McGuire, atthedarkendofthestreet.com/the-book/photo-gallery

Criminal Injustice: Mass Incarceration and Racial Disparities

As Jerry Paul and Karen Galloway (née Bethea-Shields), two of Joan Little's attorneys, took to the courtroom floor on July 14th, 1975, they were aware that their case did not, and could not, end with a simple verdict; in fact, both fully intended to use the case as a vehicle for exposing the "Jim Crow justice system" that had put Little on trial in the first place (McGuire 200). To this end, every element of the case was carefully planned, with Paul and Galloway relying on the "performative aspects" of the legal system to garner as much sympathy for Little's cause as possible. Indeed, Paul went so far as to "parade Miss. Little before the photographers with a copy of *To Kill a Mockingbird* clutched in her arms," in an attempt to reinforce the message of justice denied (King 23).

However, at the time, North Carolina had the largest prison population per capita of any state, including one-third of all prisoners on death row in the country. In fact, the only two

women, one Black and the other Native-American, on death row in the United States during Little's trial were also being held in North Carolina (Davis 38). In response to the 1972 Supreme Court ruling in *Furman v. Georgia*, wherein the Court had declared that imposing the death penalty at the discretion of judges and juries constituted cruel and unusual punishment, North Carolina law had been recently revised to mandate the death penalty for all defendants convicted of first-degree murder (Greene 428). For Little, this meant that a "guilty" verdict would have sent her straight to the gas chamber.

Closer examination of North Carolina's criminal justice system also reveals clear racial disparities in sentencing. Although African-Americans comprised only 22% of the state's total population in 1972, over two-thirds of the inmates at the women's correctional facility in Raleigh—where Little was held—and over half of the inmates at the all-male Central Prison were Black (437). Even prior to the mandatory death penalty sentencing law, Black convicts in North Carolina were eight times more likely to be sentenced to death than their white counterparts who had committed similar crimes (King 20). Indeed, at the time of Little's sexual assault, she had already been serving a seven-to-ten year prison sentence for a non-violent property offense, one that her lawyers agreed was "extremely stiff for a first-time offender" (Greene 436).

Once in the hands of the corrections system, convicts were subject to abuse and mistreatment from prison staff. In a press release published by the Concerned Women for Justice, a prison-reform advocacy group, the conditions in Raleigh's women's prison were described as being akin to "slave labor" (McNeil 379). Celine Chenier, who worked with several inmates being held at the facility, recalled, "The women in that prison were forced to wash the

clothes not only for the entire North Carolina Correctional System, but for the local hospitals, whose laundry included isolation bags and germs, and many inmates developed rashes from this work” (Reston 92). As a result of overcrowding, conditions had become so awful that, in 1975, prison protests erupted into violent riots, with male guards beating the female prisoners into submission and sending the leaders of the protests to all-male facilities, which only exacerbated the threat of sexual assault from both other prisoners and guards (Greene 437).

Joan Little’s attorneys realized that, in order to save their client from such a fate, they would need to reconstruct her public persona. Little, due to her reputation for general lawlessness, petty crime, and sexual promiscuity, had been marked as an outcast by the Black community of Washington. As Golden Frinks, prominent civil rights activist and organizer, explained, “...[S]he was in a community that had rejected her. Because of little accidents in her life, because of her past life which the local people did not exactly feel was up to the general moral standard of the community, they had ostracized her” (Reston 53). To the Black leaders of Washington, association with Little, whom many considered no better than a common criminal, would have proven damning to an already-marginalized community. Paul, Little’s attorney, even went so far as to describe her as “a raw little country girl...[who] couldn’t talk, couldn’t verbalize her thoughts” (85).

However, despite their misgivings, Little became an instant celebrity, with her case attracting attention from civil rights leaders and prison reform activists across the nation. Defying traditional notions of respectability and propriety, Little demonstrated to America that even though she had indeed committed a crime, she was still entitled to the same “bodily integrity” as any other human being (McGuire 212). After hearing of her story, Reginald Frazier,

a Black lawyer from Wake County, asked the United States Attorney General to issue a directive for an investigation into the abuse of women in North Carolina jails, citing “serious evidence that hundreds of women, both [B]lack and white, [had] been subjected to immoral sexual assaults by jailers” (King 41). At Little’s trial, the defense team summoned several witnesses to the stand to testify against Little’s rapist. In particular, one woman by the name of Anne Marie Gardner, who had previously been held in the same jail as Little, recalled that Alligood made repeated sexual advances towards her during her period of incarceration, even going so far as to “pinch and fondle her breasts” (McGuire 206).

Jerry Paul, Little’s attorney, would later summarize the situation as follows: “The attitude in this country is that they cannot stand to have somebody who kills a police officer go free, because if that happens, they’ll have to admit that there are bad police officers” (McMillan 5). Undoubtedly, Joan Little was not the first to have ever been sexually assaulted by a person in a position of authority, nor was she the last. But because she fought back, her case not only focused intense public scrutiny upon the physical, emotional, and sexual exploitation of inmates in the American criminal justice system, but also raised the frightening possibility of the abuse of power by those entrusted with wielding it. In his concluding remarks, Paul proclaimed, “[T]here is no human being on the face of the earth who has the right to violate or abuse another person, no matter who you are or where you think you come from or whatever possession or control you have” (McGuire 212). The Joan Little case would come to be yet another marker of the paradigm shift occurring in America’s perception and treatment of the inmates in its criminal justice system.



Figure 3: Joan Little, before her trial

At the Dark End of the Street, Danielle L. McGuire, atthedarkendofthestreet.com/the-book/photo-gallery

Lessons Learned and Lessons Forgotten

While the Joan Little trial was perceived by many activists of the time as a smashing success for the civil rights and women's rights movements, it is important to remember that Little's case was notable only because it was so unique in American legal history, an exception to the rule in an unjust criminal justice system that violated the civil and human rights of minorities. Therefore, for every victory of the same magnitude as Little's, there were thousands of other cases that ended in defeat. For every voice that captivated the attention of the nation, no matter how briefly, there were thousands of other voices that were silenced into submission. Angela Davis, one of Little's most outspoken supporters, even speculated that, had the "sexually

violated body” of Joan Little been found, “there can be little speculation about the turn events would have taken...a verdict of ‘justifiable homicide’ would have probably closed the books on such a case” (39). Rather than being held solely as evidence of the supposedly significant progress made in eliminating racial and gender disparities, the Joan Little case should instead serve as a cautionary tale, a reminder of the work still left unfinished.

Of the many factors that may have played key roles in determining the verdict of Little’s trial, one, in particular, had nearly nothing to do with the defendant’s race or gender. With support from groups such as the Concerned Women for Justice, the Joan Little Legal Defense Fund, and the Southern Poverty Law Center, by the time of the trial, Little’s lawyers had raised over \$350,000 in funding for their client (McGuire 204). This money was spent on everything from hiring private investigators and criminologists to conducting polygraph examinations and compiling an extensive sociological profile in order to support motions for a change of venue on the basis of racial bias. If Little’s defense team had not been so well-heeled, would her case have been just as successful? Attorney Jerry Paul believes not, remarking in an interview after the trial, “The system doesn’t want justice. It wants convictions. That’s why, given enough money, I can buy justice. ... I can create illusion, anything. I’m going to tell the truth. You must destroy the charade, the illusion of justice” (King 23).

From this perspective, Little may have only been successful because her defense team had the means to “buy” her acquittal, further implicating the role of socioeconomic factors in exacerbating disparities in the criminal justice system. In addition, an argument could also be made that the outcome of the Little case was not so much a reflection of a change in societal values, but rather, a mere coincidence of circumstance and situation. James Reston, celebrated

scholar and *de facto* historian of the Joan Little case, takes this point of view when he contends that “without the woman’s element of rape in the case, there would have been no celebrity of Joan Little, for there were plenty of traditional civil-rights cases around in the South...without the capital-punishment element...there would have been no national commotion” (334). Had she not been Black, female, indigent, and incarcerated, Little may never have attracted the attention of such a diverse range of activists, and her case, along with those of the thousands of women to come both before and after her, may have been lost to a system riddled with entrenched bias and discrimination.

Today, the United States continues to lead the world, boasting the highest number of incarcerated persons per capita. Between 1980 and 2014, the number of women incarcerated in American prisons increased by over 700%. Of these women, a hugely disproportionate fraction are Black—indeed, incarceration rates for Black women are still currently more than double those of white women (“Incarcerated” 1). In a report published in May 2013, the Bureau of Justice Statistics revealed that an estimated 80,600 inmates of all genders in the federal prison system had been the victims of sexual assault during the previous year (Beck 8). With this in mind, the question now becomes: just how much progress has the United States, as a nation, made since 1975?

Perhaps most insidious is the tendency to treat narratives such as Little’s as self-congratulatory tales of success. For, if a young Black woman in as disadvantaged a position as she was able to take on North Carolina’s criminal justice system and win, then surely the era of Jim Crow and segregation, the “nostalgic, fixed view of the Old South, of helpless [B]lack victims, and gross, ignorant, white law enforcement” must have come to an end (Reston xi). But

ignorance of injustice only begets further injustice. The Joan Little case may have raised the issues of sexual violence against Black women and disparities in North Carolina's prison system to the forefront of national consciousness, bolstering the confidence of activists participating in the various social justice movements of the time. On the other hand, her spotlight vanished nearly as quickly as it appeared. As Golden Frinks, civil rights activist and founder of the Joan Little Legal Defense Fund, mused at the time of the trial, "She [Little] will fade away. In a few years, people will look at her family and not even know them as they walk down the street" (67).

It seems that Frinks' prediction has come true. The woman who stood up to centuries of institutionalized racism and sexism, who shouldered the burden of testimony against accusations of a crime that she did not commit, whose voice echoed against the backdrop of thousands of supporters who each found in her a kindred spirit, now registers as barely a blip in our historical record. Joan Little may not be a hero in any traditional sense of the word, but her story is certainly one worth remembering.

Works Cited

Beck, Allen J, et al. *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*.

U.S. Department of Justice, Bureau of Justice Statistics, 2013, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*,
www.bjs.gov/content/pub/pdf/svpjri1112.pdf.

Bevacqua, Maria. *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault*.

Boston, MA., Northeastern University Press, 2000, pp. 21.

Davis, Angela. "June 1975: Joan Little: The Dialectics of Rape." *Ms*, vol. 12, no. 2, Spring 2002, pp. 37-40. *GenderWatch*,

<http://login.ezproxy.lib.umn.edu/login?url=http://search.proquest.com.ezp2.lib.umn.edu/docview/204301379?accountid=14586>.

Fergus, Devin. *Liberalism, Black Power, and the Making of American Politics, 1965-1980*.

Athens, GA., University of Georgia Press, 2009.

Greene, Christina. "'She Ain't No Rosa Parks': The Joan Little Rape–Murder Case and Jim

Crow Justice in the Post–Civil Rights South." *The Journal of African American History*, vol. 100, no. 3, 2015, pp. 428–447.,

www.jstor.org/stable/10.5323/jafriamerhist.100.3.0428.

Incarcerated Women and Girls. The Sentencing Project, 2015,

<http://www.sentencingproject.org/wp-content/uploads/2016/02/Incarcerated-Women-and-Girls.pdf>.

King, Wayne. "Defense Closes For Joan Little." *The New York Times*, 13 Aug. 1975, p. 68.

ProQuest Historical Newspapers,

<http://login.ezproxy.lib.umn.edu/login?url=http://search.proquest.com.ezp2.lib.umn.edu/docview/120297084?accountid=14586>. Accessed 6 Apr. 2017.

King, Wayne. "Joan Little's Lawyer Scorns Legal System and Says He 'Bought' Her Acquittal."

The New York Times, 20 Oct. 1975, p. 23,

www.nytimes.com/1975/10/20/archives/joan-littles-lawyer-scorns-legal-system-and-says-he-bought-her.html?_r=0. Accessed 6 Apr. 2017.

McGuire, Danielle L. "Joan Little and the Triumph of Testimony." *Freedom Rights: New*

Perspectives on the Civil Rights Movement, edited by Danielle L. McGuire and John

Dittmer, University Press of Kentucky, Lexington, KY, 2011, pp. 191–221.

McMillan, Jackie, et al. "Joanne Little: No Escape Yet." *Off Our Backs*, vol. 5, no. 1, 1975, pp.

4–5., www.jstor.org/stable/25772056.

McNeil, Genna Rae. "African American Church Women, Social Activism, and the Criminal

Justice System." *The Journal of African American History*, vol. 96, no. 3, 2011, pp.

370–383., www.jstor.org/stable/10.5323/jafriamerhist.96.3.0370.

McNeil, Genna Rae. "Joanne Is You and Joanne Is Me: A Consideration of African American

Women and the 'Free Joan Little' Movement, 1974-75." *Sisters in the Struggle: African*

American Women in the Civil Rights-Black Power Movement, edited by Bettye

Collier-Thomas and Vincent P. Franklin, New York Univ. Press, New York, NY, 2001,

pp. 259–279.

Reston, James. *The Innocence of Joan Little: A Southern Mystery*. Toronto, Bantam Books,

1979.